

In re Patent Application of:
GORTY ET AL.
Serial No. 10/767,571
Filing Date: **January 29, 2004**

REMARKS

Claims 1-33 remain in this application. No claims have been cancelled. No claims have been amended.

Applicants thank the Examiner for the detailed study of the application and prior art.

At the outset, Applicants file a Request for Continued Examination (RCE) with this After Final Amendment to have the case considered and obtain the Notice of Allowance.

Applicants also submit a Supplemental 131 Declaration from the inventors that adds further details and exhibits to overcome the rejection under 35 USC §102(e) by U.S. published patent application no. 2005/0039048 to Tosey.

This Declaration proves that the inventors conceived and reduced to practice the subject matter of this patent application while working in their offices in the United States at TeamOn Systems, Inc., 1180 NW Maple Street, Issaquah, Washington 98027, prior to August 7, 2003, the effective date of U.S. patent application publication no. 2005/0039048 to Tosey.

In the last Office Action, the Examiner required details concerning the reduction to practice and further information such as the retrieving of a web page by the polling agent in claim 4. Also, the Examiner indicated that Exhibit 1 had some redacted dates. Exhibit 1 now has been resubmitted with all dates listed, including those dates that were prior to August 7, 2003.

As to the contention about the polling agent retrieving a web page, as noted in paragraph 6 of the Supplemental Declaration, the functional specification in Exhibit 1 discusses OWA and iNotes protocols, which are

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web-based mail applications from Microsoft and IBM, respectively, indicating that web pages can be retrieved page-by-page to determine a new message list. Also, Exhibit 1 discusses the efficient implementation of the system and method as "new-mail-only" polls in which the engine for polling and aggregation, i.e., the "AggEngine," retrieves UID's from a source in small batches in reverse chronological order until it sees a UID that already exists in the database. This is described on page 2 of Exhibit 1. This engine includes a function "AggCron" that can make the choice between "new-mail-only" and "regular" polls. The POP proxy could be used with some deletions at the source and some optimization could keep the UID's in the database longer after the messages have been deleted at the source.

As explained in the Supplemental Declaration, the bottom portion of page 2 and pages 3, 4 and 5 of Exhibit 1 include data regarding the UID targets and optimization that supports the functional specification.

Exhibits 2, 3 and 4 are newly submitted and are snapshots of code archives and explain that software coding was accomplished in March 2003. These Exhibits contain project tracking and source-code control. The Declaration sets forth certain details of the coding timeline that are in Exhibits 2, 3 and 4.

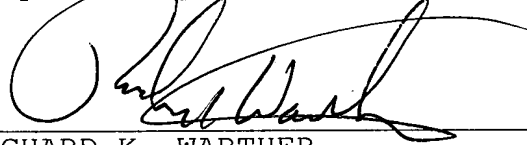
The Supplemental Declaration clearly shows that coding and testing of software had been accomplished by April 29, 2003. There was later code modification for reducing bandwidth requirements.

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Applicants contend that the present case is in condition for allowance and respectfully requests that the Examiner issue a Notice of Allowance and Issue Fee Due.

If the Examiner has any questions or suggestions for placing this case in condition for allowance, the undersigned attorney would appreciate a telephone call.

Respectfully submitted,



RICHARD K. WARTHER
Reg. No. 32,180
Allen, Dyer, Doppelt, Milbrath
& Gilchrist, P.A.
255 S. Orange Avenue, Suite 1401
Post Office Box 3791
Orlando, Florida 32802
Phone: 407-841-2330

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **MAIL STOP AF, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450**, on this 7th day of December, 2005.

